



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 37697-0081

Applicant(s): Edward W. MERRILL *et al.*

Confirmation No.: 6751

Serial No.: 10/696,362

Examiner: S. Berman

Filing Date: October 30, 2003

Group Art Unit: 1711

Title: RADIATION AND MELT TREATED ULTRA HIGH MOLECULAR
WEIGHT POLYETHYLENE PROSTHETIC DEVICES

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Applicants believe that the instant Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits under 37 CFR §1.97(b)(3), therefore, no fee is required in connection with its filing.

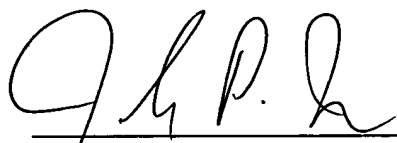
Applicants submit herewith on Form PTO/SB/08A, a listing of the documents cited by or submitted to the Patent Office in parent application Serial No. 10/197,209 filed July 18, 2002. The relevance of these prior art documents is explained in the parent application.

As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 10/197,209 filed July 18, 2002.

English translations of the foreign-language documents may not be readily available; however, the absence of such translations does not relieve the PTO from its duty to consider the submitted documents (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

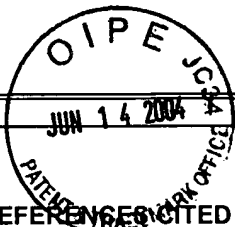
Respectfully submitted,



John P. Isacson
Reg. No. 33,715

June 14, 2004
Date

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Sheet 1 of 5 FORM PTO/SB/08A				ATTY DOCKET NO. 37697-0081		SERIAL NO. 10/696,362	
LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT Edward W. MERRILL <i>et al.</i>			
				FILING DATE October 30, 2003		GROUP 1711	
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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE (M/D/Y)	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	4,892,552	1/9/90	AINSWORTH ET AL.	623	23	
	A02	5,549,698	8/27/96	AVERILL ET AL.	623	22	
	A03	5,001,206	3/19/91	BASHIR ET AL.	526	352	
	A04	5,428,079	6/27/95	BASTIAANSEN ET AL.	522	161	
	A05	5,480,683	1/2/96	CHABROL ET AL.	427	2.26	
	A06	5,059,196	10/22/91	COATES	606	99	
	A07	5,593,719	1/14/97	DEARNALEY	427	2.26	
	A08	4,524,467	6/25/85	DECARLO	603	22	
	A09	5,466,530	11/14/95	ENGLAND ET AL.	428	411.1	
	A10	4,747,990	5/31/88	GAUSSENS ET AL.	623	22	
	A11	5,549,700	8/27/96	GRAHAM ET AL.	623	22	
	A12	6,184,265	2/6/01	HAMILTON ET AL.	522	189	
	A13	5,753,182	5/19/98	HIGGINS	422	23	
	A14	5,478,906	12/26/95	HOWARD	526	352	
	A15	5,684,124	11/4/97	HOWARD ET AL.	528	481	
	A16	6,168,626	1/2/01	HYON ET AL.	623	18.11	
	A17	6,506,866	1/14/03	JACOBSEN ET AL.	526	348	
	A18	3,758,273	9/11/73	JOHNSTON ET AL.	21	54	
	A19	5,869,575	2/9/99	KOLTHAMMER ET AL.	525	240	
	A20	5,066,755	11/19/91	LEMSTRA	526	348.1	
	A21	5,037,928	8/6/91	LI ET AL.	526	352	
	A22	3,944,536	3/16/76	LUPTON ET AL.	526	352	
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	A23	6,165,220	12/26/00	MCKELLOP ET AL.	623	18	
	A24	6,245,276	6/12/01	MCNULTY	264	322	
	A25	5,358,792	10/25/94	MEHTA ET AL.	428	516	
	A26	5,879,400	3/9/99	MERRILL ET AL.	623	22	
	A27	6,464,926	10/15/02	MERRILL ET AL.	264	485	
	A28	6,641,617	11/4/04	MERRILL ET AL.	623	23.58	
	A29	3,352,818	11/14/67	MEYER ET AL.	260	45.7	
	A30	6,005,053	12/21/99	PARIKH ET AL.	525	221	
	A31	5,972,444	10/26/99	PATEL ET AL.	428	35.2	
	A32	5,515,590	5/14/96	PIENKOWSKI	427	2.26	
	A33	4,586,995	5/6/86	RANDALL ET AL.	522	5	
	A34	4,535,486	8/20/85	ROBERTS ET AL.	623	22	
	A35	6,281,264	8/28/01	SALOVEY ET AL.	523	115	
	A36	6,017,975	1/25/00	SAUM ET AL.	522	161	
	A37	6,242,507	6/5/01	SAUM ET AL.	522	161	
	A38	6,316,158	11/13/01	SAUM ET AL.	430	130	
	A39	3,698,017	10/17/72	SCALES ET AL.	3	1	
	A40	5,824,411	10/20/98	SHALABY ET AL.	428	364	
	A41	6,228,900	5/8/01	SHEN ET AL.	522	153	
	A42	5,123,924	6/23/92	SIOSHANSI ET AL.	623	16	
	A43	5,123,925	6/23/92	SMESTAD ET AL.	623	16	

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	A44	5,024,670	6/18/91	SMITH ET AL.	623	18	
	A45	5,414,049	5/9/95	SUN ET AL.	525	333.7	
	A46	5,449,745	9/12/95	SUN ET AL.	528	483	
	A47	5,650,485	7/22/97	SUN ET AL.	528	483	
	A48	5,728,748	3/17/98	SUN ET AL.	522	65	
	A49	6,174,934	1/16/01	SUN ET AL.	523	113	
	A50	5,543,471	8/6/96	SUN ET AL.	525	333.7	
	A51	4,385,405	5/31/83	TEINTURIER	3	1.912	
	A52	5,001,008	3/19/91	TOKITA ET AL.	428	400	
	A53	6,096,084	8/1/00	TOWNLEY	623	23.12	
	A54	5,160,464	11/3/92	WARD ET AL.	264	22	
	A55	3,297,641	1/10/67	WERBER ET AL.	260	66	
	A56	4,902,460	2/20/90	YAGI ET AL.	264	83	
	A57	4,655,769	4/7/87	ZACHARIADES ET AL.	623	1	
	A58	4,944,974	7/31/90	ZACHARIADES	428	36.1	
	A59	5,160,472	11/3/92	ZACHARIADES	264	136	
	A60	5,407,623	4/18/95	ZACHARIADES ET AL.	264	119	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	A61	WO01/05337	1/25/01	WIPO				
	A62	WO98/01085	1/15/98	WIPO				
	A63	WO97/29793	8/21/97	WIPO				

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		DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A64	JP58157830	9/20/83	JAPAN			Abstract
	A65	EP0729981B1	9/4/96	EUROPE			
	A66	EP0722973A1	7/24/96	EUROPE			
	A67	EP0737481B1	10/16/96	EUROPE			
	A68	EP0373800B1	6/20/90	EUROPE			
	A69	JP4198242	6/17/92	JAPAN			Abstract
	A70	JP4185651	7/2/92	JAPAN			Abstract
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	A71	ATKINSON	SILANE CROSS-LINKED HDPE FOR PROSTHETIC APPLICATIONS, POLYMERS IN MED. AND SURGERY, CONF. HELD BY PLASTICS & RUBBER INST. & BIOLOGICAL ENG. SOC. (1989)				
	A72	DIJKSTRA ET AL.	POLYMER 30: 866-873 (1989)				
	A73	DU PLESSIS ET AL.	RADIAT. PHYS. CHEM. 9: 647-652 (1977)				
	A74	GENT ET AL.	J. OF POLYMER SCI 5: 47-61 (1967)				
	A75	GIELENZ ET AL.	COLLOID & POLYMER SCI. 260: 742-753 (1982)				
	A76	GROBBELAAR ET AL.	J. OF BONE AND JOINT SURGERY 60-B(3): 370-374 (1978)				
	A77	GROBBELAAR ET AL.	SA BONE AND JOINT SURGERY IX(3): 143-147 (1999)				
	A78	JAHAN ET AL.	J. OF BIOMED RESEARCH 25: 1005-1016 (1991)				
	A79	JAHAN ET AL.	J. OF LUMINESCENCE 40 & 41:242-243 (1988)				
	A80	JONES ET AL.	WEAR 70: 77-92 (1981)				
	A81	KANG ET AL.	J. OF AMER. CHEM. SOC. 89(9): 1980-1986 (1967)				
	A82	MANDELKERN ET AL.	NATIONAL BUREAU OF STANDARDS 82: 46-53 (1960)				
	A83	NUSBAUM ET AL.	J. OF BIOMED MATERIAL RESEARCH 13: 557-576 (1979)				
	A84	OONISHI ET AL.	RADIA. PHYS. CHEM 39(6): 495-504 (1992)				
	A85	OONISHI ET AL.	ENCYCLOPEDIA HANDBOOK OF BIOMATERIALS AND BIOENGINEERING 2: 1853-1868 (1995)				
	A86	OONISHI ET AL.	SUPER LOW WEAR CROSS-LINKED UHMWPE BY HEAVY HIGH-DOSE RADIATION, WPOA 2 ND CONGRESS OF HIP SECTION, PG. 61 (1996)				
	A87	ROSE ET AL.	J. OF ORTHOPAEDIC RESEARCH SOCIETY 2(4): 393-400 (1984)				
	A88	SAUNDERS ET AL.	MEDICAL DEVICE & DIAGNOSTIC INDUSTRY 222:89-92 (1993)				
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GROUP
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A89	SHEN	Effect of Irradiation on Chemically Crosslinked Ultrahigh Molecular Weight Polyethylene (A Dissertation Presented to the Univ. of Southern California (December 1994))
A90	STREICHER	INVESTIGATION ON STERILIZATION AND MODIFICATION OF HIGH MOLECULAR WEIGHT POLYETHYLENES BY IONIZING IRRADIATION, BETA-GAMMA (1/89)
A91	ZOEPFL ET AL.	J. POLYMER SCI POLYM. CHEM. ED 22: 2017-2032 (1984)
A92	ZOEPFL ET AL.	J. POLYMER SCI POLYM. CHEM. ED 22: 2033-2045 (1984)
A93		AM SOC FOR TESTING AND MATERIALS, DESIGNATION: E1649-94, PGS. 870-888 (1995)
A94		COMPLAINT
A95		AMENDED COMPLAINT
A96		ANSWER OF DEFENDANTS MASSACHUSETTS INSTITUTE OF TECH. AND THE GENERAL HOSPITAL CORPORATION TO AMENDED COMPLAINT AND AMENDED COUNTER CLAIM
A97		REPLY OF PLAINTIFF, AMBUJ D. SAGAR, PH.D., TO AMENDED COUNTERCLAIM OF DEF. MASSACHUSETTS INSTITUTE OF TECHNOLOGY AND THE GENERAL HOSPITAL CORP.
A98		LONG TERM PERFORMANCE OF GAMMA IRRADIATED HDPE CUPS IN TOTAL HIP REPLACEMENT (1997) (ABSTRACT)

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